

# TITLE 17

## FLOOD CONTROL

## REGULATIONS

### Chapter 1      STORM DRAINAGE AND FLOOD CONTROL DEVELOPMENT

#### **17-1-1.      Adoption of Printed Volume.**

Pursuant to the authority granted to the City by the laws of the State of Utah, the City hereby adopts by reference the provisions contained in an ordinance adopted and printed by Salt Lake County. The said ordinance is entitled Title VII, Chapter 5 and was adopted by the Salt Lake County Commission on June 7, 1982 and is entitled "Storm Drainage and Flood Control Development." Three copies of the said printed ordinance are on file with the Sandy City Recorder for information and inspection by the public.

#### **17-1-2.      Amendments To Printed Ordinance.**

The following amendments are hereby adopted with regard to the printed ordinance as set forth in Section 17-1- 1.

- (a) Whenever the terms "Salt Lake County" or "County" or "unincorporated area of Salt Lake County" are used in this chapter, such terms shall mean Sandy City.
- (b) Whenever the term "Board of County Commissioners" or "County Commission" is used in this chapter such term shall mean Sandy City Mayor.
- (c) Whenever the term "Division" is used in this chapter such term shall mean Sandy City Engineering Division.
- (d) All references to, and responsibility of, a "Citizens Committee" are deleted.
- (e) To the provisions of Section 7-5-11.6 shall be added the following paragraph:

The City will not accept for ownership or maintenance any temporary retention facility. The responsibility for construction and maintenance of temporary facilities is and will remain with the developer until such time as permanent

facilities are constructed and the need for the temporary facility is eliminated. To ensure adequate maintenance the developer will post a bond, separate and distinct from the construction bond, equal to the estimated maintenance costs for a period of ten years. The form of the bond will be such that the City may make call and receive funds at any time and in such amount as needed to cover costs, including administrative overhead, incurred by the City as a result of the developer not maintaining the facility adequately. The bond shall remain in effect until the permanent facilities are constructed.

- (f) The provisions of Section 7-5-8.9 (a) are hereby amended to read as follows:

7-5-8.9 (a) Group A: Group A shall contain the following zoning classifications: R-1 400, R-1-400A, R-1-40, R-1-40A, R-1-20, R-1-20A, R-1-12, R-1-10, R-1-8, A-1, OS, and PUD (0 to 4).

- (g) The provisions of Section 7-5-8.9 (b) are hereby amended to read as follows:

7-5-8.9 (b) Group B: Group B shall contain the following zoning classifications: R-1-20, R-2-8, RM4 to 6 and SD (R) 5.

- (h) The provisions of Section 7-5-8.9 (c) are hereby amended to read as follows:

7-5-8.9 (c) Group C: Group C shall contain the following zoning classifications: RM 8 to 15, PUD (5+) and R- 3.

- (i) The provisions of Section 7-5-8.9 (d) are hereby amended as follows:

7-5-8.9 (d) Group D: Group D shall contain the following zoning classifications: C-1, C-3, CN, CVC, CC, CR- H, CR-I, CR, RD, M-1, SD (c) and CR-PUD.

- (j) The provisions of Section 7-5-12 are hereby amended to read as follows:

7-5-12 Administrative Responsibility. The Engineering Division of the Department of Public Works of Sandy City shall be responsible for the administration and regulation provided for herein. Any person may appeal any decision of the Engineering Division under the terms of this chapter through the Sandy City Engineer to the Mayor of Sandy City. The City Engineer shall hear the appeal and make recommendations to the Mayor prior to consideration of the appeal by the Mayor.

- (k) Section 7-5-13 is added to read as follows:

7-5-13 If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment

shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

- (l) Section 7-5-14 is added to read as follows:

7-5-14 This ordinance shall become effective upon its passage and recording as required by law. However, any project or development that has received preliminary approval prior to the effective date of this ordinance shall be processed and assessed fees under the provisions of Ordinance 80-19.

- (m) The last sentence of Section 7-5-4 is amended so that the word "City" is substituted for the word "County Commission".

## **Chapter 2 - STORM SEWER DRAINAGE UTILITY**

### **17-2-1. Purposes and Objectives.**

The purposes and objectives of this chapter are to:

- (a) Provide and maintain an adequate storm sewer drainage system for handling storm water runoff.
- (b) Provide fair, equitable and non-discriminatory rates for using the storm sewer drainage system which user fees will generate sufficient revenues for operating, improving and maintaining the storm sewer drainage utility adequately. Rates shall be applied consistently for the same class of customers.
- (c) Establish a policy that fees should be set after considering such factors as:
- (1) Intensity of development of land parcels;
  - (2) Types of development on land parcels;
  - (3) Cost of maintaining, operating, repairing and improving the system;
  - (4) Quantity and quality of the run-off generated;
  - (5) Public health, safety and welfare; and,
  - (6) Any other factors that should be considered.
- (d) Establish standards and guidelines for the discharge of storm water which comply

with the Clean Water Act and NPDES requirements.

### **17-2-2. Definitions**

For the purpose of this ordinance, the following terms phrases and words shall mean:

- (a) “City” – Sandy City, a municipal corporation of the State of Utah.
- (b) “County” – Salt Lake County.
- (c) “Council” – Sandy City Council.
- (d) “Customer” or “Person” – Any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.
- (e) “Director” – The Director of the Department of Public Utilities or the Director’s designee.
- (f) “Equivalent Residential Unit (ERU)” – An ERU is equal to 2,816 square feet of impervious surface area. This is based on a single-family residential parcel, which has an average of 2,816 square feet of impervious surface.
- (g) “Impervious Surface” – A parcel’s hard surface area that causes water to run off its surface in quantities or speeds greater than under natural conditions. Some examples of impervious surfaces are rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and gravel that has been subject to surface traffic.
- (h) “Mitigation” – Storm water control facilities located on a parcel, which either hold runoff for a short period of time before releasing it to the storm sewer drainage system, or hold water until it evaporates or infiltrates into the ground.
- (i) “Parcel” – The smallest, separately segregated unit of land having an owner. A parcel has boundaries and surface area, and is documented with a property number by the County.
- (j) “Developed Parcel” – Any parcel whose surface has been altered by grading, filling, or construction of any improvement.
- (k) “National Pollutant Discharge Elimination System (NPDES) Storm Water Regulations” - The provisions of the Federal Clean Water Act establishing specific permit requirements for the control of storm water discharges.
- (l) “Single-Family Residential Parcel” – Any parcel of land containing a single-family dwelling unit.
- (m) “Storm Water” – Water produced by storms, surface drainage, snow and ice melt, and other water handled by the storm sewer drainage system.

(n) “Storm Sewer Facilities” – Any facility, improvement, development, or property made for controlling storm water quantity and quality.

(o) “Storm Sewer Drainage System” – All man-made storm sewer facilities and conveyances, and natural storm water drainage channels owned or maintained by the City that store, control, treat, and/or convey storm water.

(p) “Storm Sewer Drainage Utility” or “Utility” – The utility created by this ordinance, which operates, maintains, regulates, and improves storm sewer facilities and programs within Sandy City.

(q) “Undeveloped Parcel” – Any parcel that has not been altered by grading, filling, or construction and which has less than 5% impervious surface.

### **17-2-3. Storm Sewer Drainage Utility Created.**

There is hereby created and established a Storm Sewer Drainage Utility which shall operate under the direction of the Public Utilities Director.

### **17-2-4. Ownership of City storm sewer facilities and assets**

The Mayor, or Mayor’s designee, shall determine which of the City’s storm drainage assets will be transferred to the Utility. Until such transfer, the Utility shall operate, maintain, and improve all existing City storm drainage facilities used for the conveyance of storm waters, through, under or over lands or watercourses, beginning at a point where the storm waters first enter the storm sewer system of the city and ending in each instance at a point where the storm waters exit from the system. Storm water facilities do not include government-owned streets or those facilities operated and maintained by, or for, the County or the State of Utah.

### **17-2-5. No polluted waters discharged to storm sewers**

The only substance dis-chargeable under this chapter into the City’s storm sewer drainage system is storm water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water or non-polluted water. Such water may be discharged only into storm sewers which have adequate capacity for the accommodation of such water. Such discharged water shall comply with the City’s storm water quality standards.

### **17-2-6. System of rates and charges**

(a) Service fees imposed. The City will by resolution of the City Council and upon recommendation of the Public Utilities Advisory Board, impose storm sewer drainage fee rates and charges on each parcel of real property within the City except governmentally-owned streets and storm water facilities operated and maintained by, or for, the County or the State of Utah. The charges shall fund the administration, planning design, construction, water quality programming, operation, maintenance and repair of existing and future storm water facilities.

(b) Method of determining contribution of storm water.

(1) Contributions of storm water from non-residential parcels and residential parcels larger than duplexes have been ascertained through aerial photography – by evaluating land surface and measuring the amount of impervious surface.

(2) Contributions of storm water from residential parcels up to and including duplexes have been ascertained by sampling the amount of residential impervious areas.

(c) Method of determining service fee rates.

Storm drainage service fees shall be assessed on each parcel of real property within the City (including City-owned properties), except government-owned streets and County storm water facilities. Service fees shall be established by resolution of the City Council and may be differentiated according to the following classifications:

(1)**Residential parcels:** Single-family residential and duplex parcels shall constitute one ERU per month.

(2)**Undeveloped parcels:** Undeveloped parcels shall have no charges assessed.

(3) **Other parcels:** Charges for all other parcels shall be computed by multiplying the total ERUs for a parcel by the monthly rate. Total ERUs are calculated by dividing total square feet of impervious surface by 2,816 (one ERU), rounded to the nearest whole number.

(4) **Credit for on-parcel mitigation:** Non-residential parcels with mitigating storm water facilities, e.g. approved on-site detention/retention of storm water, approved discharge of storm water through a sewer connection or other approved and complete on-site detention methods that meet the City's design and maintenance standards may be eligible for a service fee credit. The parcel's owner or agent must make application for this credit to the Director. The amount of credit is based on the following formula.

$$P = 30 + 70 (Q_r/Q_p)$$

Formula symbols have the following meaning:

P = Percentage of storm drainage fees to be applied to the parcel

30 =Percentage representing Utility's fixed operation and maintenance costs

70 = Percentage representing costs for Utility's capital improvement program

$Q_r$  =Restricted storm water discharge from a parcel

$Q_p$  =Peak storm water discharge from the same parcel that would result if the mitigating facilities were not in place.

The Director may, if requested, provide a complete on-site mitigation evaluation at the expense

of the parcel's owner or authorized agent.

(5) **Credit for regional storm water mitigation:** Non-residential parcels with mitigating storm water facilities, that serve the City's regional storm water needs as prescribed by the storm water master plan and utilizing methods that meet the City's design and maintenance standards, may be eligible for a service fee credit. The credit may be granted if property owners have not already been compensated for or agreed to construct the facilities as part the development process. The parcel's owner or agent must make application for this credit to the Director.

If a request for mitigation credit is granted, the credit shall be applied to all charges from the time of the appealed billing, and will be reflected on the next billing thirty days after appeal is granted.

(6) **Low income relief:** A single family residential parcel owner who qualifies for the City's low income relief, as determined by resolution of the City Council and set forth in the fee schedule, may also be eligible for a reduction in the service charge for their parcel.

#### **17-2-7. Billing and collection.**

(a) **Utility Enterprise Fund –** This ordinance creates the Storm Sewer Drainage Utility Fund. All revenues received from storm drainage user fees shall be placed in the enterprise fund as a designated fund, to be left separate and apart from all other City funds. The collection, accounting, and expenditure of all storm water utility funds shall be in accordance with the Utah Uniform Fiscal Procedures Act.

(b) **Billing –** The City shall bill property owners for storm sewer drainage utility services. Billing amounts shall be included as a separate line item on utility bills. A billing will also be sent to owners of parcels within the city who are not City utility customers.

(c) **Collection –** Partial payments on a combined utility bill shall be applied consistent with the billing procedures established by the City.

(i) **Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the City and will be a debt to the City, which shall be subject to recovery in a civil action.** Pursuant to 10-8-38 *Utah Code Ann.*, the City may cause the water service to the property to be shut off for failure to pay for the storm sewer drainage service furnished, as set forth on the billing.

#### **17-2-8. Appeal of charges.**

Any non-residential customer who disagrees with the storm drainage user fee for his or her parcel may apply to the Director for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the Director no later than thirty (30) days after receipt of billing. The Director shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee. Director may approve an adjustment upon recommendation of the Deputy Director; however, in all cases,

the Director's decision shall be final, unless appealed. The Director shall report in writing to the City Recorder any adjustment that is inconsistent with the recommendation of the Deputy Director.

An appeal of a Director's decision may be brought before the Mayor within thirty (30) days after the date of the Director's decision. Decision of the Mayor shall be final and conclusive.

If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing, and will be reflected on a future billing after the appeal is granted.